



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. P. Steven Elliott
206 Russlyn Dr.
W. Palm Beach, Fla. 33405

RE: Anodyne, Inc.
1270 N.W. 165th Street
Sunshine State Industrial Park
N. Miami, Florida 33162

Dear Mr. Elliott:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced site. All actions taken by EPA to abate these releases or threatened releases will be taken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. Section 9601 et seq., unless EPA determines that such action will be done properly by a responsible party.

Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of them at the site. Under CERCLA and other laws, responsible parties may be liable for all monies expended by the government to take necessary corrective action at the site, including planning, investigation, cleanup of the site, and enforcement.

By this letter, EPA is notifying potentially responsible parties (PRPs) of the activities to be undertaken at the site and is affording PRPs an opportunity to enter into informal discussions with the Agency.

The Anodyne Site was placed on the proposed National Priorities List (NPL) because of the ranking received in the Hazard Ranking System analysis. As required under CERCLA, EPA intends to initiate a Remedial Investigation and Feasibility Study (RI/FS) at this site. The purpose of an RI is to collect data for site and waste characterization and to conduct treatability testing as necessary to evaluate the performance and cost of appropriate



treatment technologies. The purpose of the FS is to screen treatment technologies and to provide a detailed evaluation of those treatment technologies found appropriate for the site. EPA is considering the initiation of the RI/FS during federal fiscal year 1989.

Under Section 122(e) of CERCLA, as amended, 42 U.S.C. 9622(e), whenever EPA, in the exercise of its discretion, determines that a period of negotiation would facilitate an agreement with PRPs and expedite remedial action at a site, it may initiate a special notice and provide a moratorium during which no remedial response action may be commenced by EPA. When the special notice is invoked, EPA will notify all known parties of the procedures and provide information, such as the names and addresses of other PRPs, the volume of the substances at the facility, to the extent such information is available.

The use of the special notice procedure triggers a moratorium in the commencement of certain actions by EPA. The moratorium procedure would allow a 60 day period for the submission of a good faith offer from PRPs to conduct or finance the RI/FS. If such an offer is received from the PRPs, the moratorium period would be extended for an additional 30 days in order to negotiate the agreement for the RI/FS. If a good faith offer is not received within the 60 day period, EPA would proceed with the appropriate action. However, EPA is not prohibited from undertaking a response or enforcement action during the moratorium period when there is a significant threat to public health or the environment.

This letter does not constitute the special notification provided in Section 122(e) of SARA, and does not invoke the negotiation moratoria set forth in that subsection. EPA will consider any demonstration you may make in your response about your ability and willingness to act, before determining whether a period of negotiation and a moratorium are appropriate in this case. Should the negotiation moratoria be determined to be appropriate, you will be notified of this in a separate letter.

PRPs are encouraged to form a steering committee to represent the interest of the group. Establishing a manageable group is essential for facilitating negotiations with EPA. A list of other known PRPs is provided for your convenience as Attachment A. You are encouraged to notify EPA within 30 days of your interest in participating in future negotiations. A letter stating your interest should be sent to the following:

Mary D. Ardiff
Assistant Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Your letter should also indicate the appropriate name, address, and telephone number for further contact with you. Where you are already engaged in voluntary action or discussion at the site with the State, you should continue that activity and report the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions.

In addition, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. Section 9604, as amended by SARA, P.L. 99-499, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Request set forth in Attachment B.

Compliance with the Information Request set forth in Attachment B is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to justify adequately such failure to respond, can result in enforcement action by EPA pursuant to Section 104 of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permit EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance. Please be further advised that the providing of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001.

A confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b) for any portion of the submitted information which is entitled to confidential treatment. EPA regulations governing confidentiality of business information are set forth in 40 C.F.R. Section 2.201 et seq. If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. Section 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claims. As such, EPA may make available to the public the submitted information without further notice.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to the following:

Mary D. Ardoff
Assistant Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

If you have any legal questions regarding the general notice given in this letter or the Information Request, please direct such questions to Ms. Ardoff at 404/347-2641. If you have any technical questions, please direct such questions to Mr. Nick Ceto, Remedial Project Manager, at the above address, or at 404/347-2643.

Due to the seriousness of the problem at the site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Patrick M. Tobin
Director
Waste Management Division

Enclosures

P 893 453 628

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

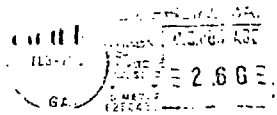
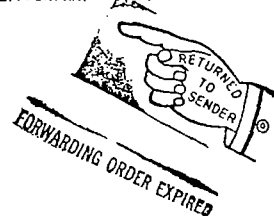
(See Reverse)

Sent to <i>Mr. P. Steven Elliott</i>	
Street and No. <i>206 Russlyn Dr.</i>	
P.O., State and ZIP Code <i>W. Palm Beach, FL 33405</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date FEB 7 1989	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

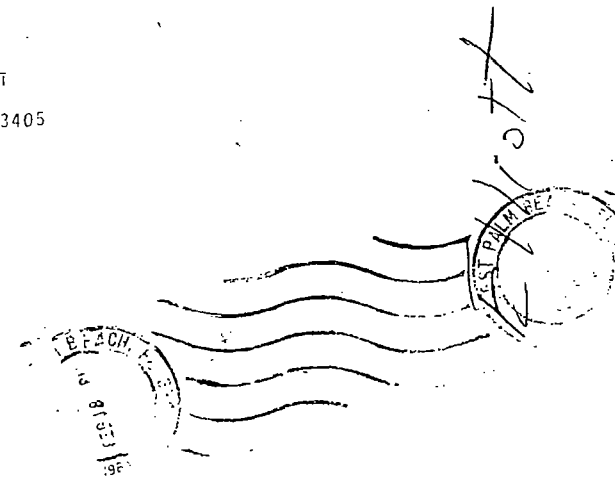
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



MR. P. STEVEN ELLIOTT
206 RUSSLYN DR.
W. PALM BEACH, FL 33405

CLAIM CHECK NO. 227509	CLAIM CHECK NO. 227749
<input type="checkbox"/> HOLD	<input checked="" type="checkbox"/> HOLD
DATE	DATE <i>2/18</i>
1ST NOTICE	1ST NOTICE
2ND NOTICE	2ND NOTICE
RETURN <i>2/18</i>	RETURN <i>2/24</i>
Detached from PS Form 3840-A Oct. 1980	Detached from PS Form 3840-A Oct. 1980



PS Form 3800, June 1985

ATTACHMENT A

LIST OF POTENTIALLY RESPONSIBLE PARTIES
ANODYNE INC. SITE

Mr. Tom Maxey
Continental Equities, Inc.
3001 Ponce de Leon Boulevard
Suite 200
Miami, Florida 33134

Mr. William W. Gallogly
Vice-President, Legal Counsel
Southeast Banking Corporation
1 Southeast Financial Center
Miami, Florida 33131

Ms. Vickie Gondon
Union Mutual Life Insurance
Company
2211 Congress Street
Portland, Maine 04122

Ms. Pat Thompson
Prudential Insurance Company
Suite 1400
1 Ravinia Drive
Atlanta, Georgia 30346

Mr. Claude Kirk
P. O. Box 668
1421 North Lake Way
Palm Beach, Florida 33480

William Taylor
Connecticut General Mutual
Realty Investments
Mail Code S 312
Hartfield, Connecticut 06152

Mr. Floyd H. Abramson
7240 West Foster Ave.,
Chicago, Ill. 60656

Mr. Floyd H. Abramson
Abramson & Fox
38th Floor
1 East Wacker Dr.
Chicago, Ill. 60601

Mr. Irving Lewis
c/o Harvey Kopelowitz
700 Southeast 3rd Ave
Ft. Lauderdale, Fla. 33316

Mr. Irving Lewis
100 East Bellevue Pl.
Chicago, Ill. 60611

Mr. Julian J. Golding
One E. Schiller
Chicago, Ill. 60610

Mr. Julian J. Golding
9501 E. Bay Harbor Dr
Bay Harbor, Florida 33154

Mr. Julian J. Golding
c/o Harvey Kopelowitz
700 Southeast 3rd Ave.
Ft. Lauderdale, Fla 33316

Mr. Paul L.E. Helliwell
Imerson International
Industrial Park Inc.
c/o Helliwell, Melrose, &
DeWolf
600 Brickell Ave
Miami, Florida 33131

Mr. Lewis Stojack
16336 W. Dixie Hwy
N. Miami Beach, Florida 33162

Mr. Lewis Stojack
10901 SW 25th St.
Davie, Fla. 33165

Mr. R.J. Tarentino
265 Sandpiper Dr
Palm Beach, Fla. 33418

Mr. F. S. Baldyga
4321 Hickory Dr.
Palm Beach, Fla. 33418

Mr. H. Wallace
39 Oak Ridge Dr
Medford, Mass. 02155

Mr. P. Steven Elliott
206 Russlyn Dr.
W. Palm Beach, Fla. 33405

Mr. Ralph C. Datillio
c/o Helliwell, Melrose, &
DeWolf
600 Brickell Ave.
Miami, Florida 33131

Mr. Harold E. Abrahamson
Stephen H. Smith & Co.
8813 N.W. 23rd St.
Miami, Fl. 33172

ATTACHMENT B

FIRST SET OF INFORMATION REQUESTS

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. In answering each Question, identify all documents and persons that contributed information relating to each Question.
4. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of a response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
5. For each document produced in response to this Information Request, indicate on the document or in some other reasonable manner, the number of the Question to which it responds.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secret. You may assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 CFR 2.203(b) by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
7. Where specific information has not been memorialized in any document but is nonetheless responsive to a Question, you must respond to the Question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. Where a question does not apply to you as an owner, operator, transporter, or generator, please indicate by responding "N/A."

Definitions

The following definitions shall apply to the following words as they appear in this Attachment B;

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated associate, partnership, corporation, trust or other entity.
3. The terms "the Site" or "the facility" shall mean and include the Anodyne Inc. Site located north of Miami, Florida, just west of I-95 at 1270 N.W. 165th Street, in the Sunshine State Industrial Park, Dade County, Florida.
4. The term "hazardous substance" means (a) any substance designated pursuant to Section 311(b)(2)(S) of the Federal Water Pollution Control Act, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of this Act, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act, (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). "Hazardous substance" shall include any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease,

behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) of physical deformations in such organisms or their offspring; except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of question 4 and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). "Pollutant or contaminant" shall include any mixtures of such pollutant and contaminants with any other substances, including petroleum products.

6. The term "identify" means with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

7. The term "identify" means with respect to a corporation, partnership, business trust or other associate or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

9. The term "release" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether wholly or partially in handwriting including by way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other

type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or the type of memory); including (a) every copy of each document which is not any exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

11. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.

12. The term "transaction" or "arrangement" means every separate agreement, act, deal, instance or occurrence.

13. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

14. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question below, identify all persons consulted in the preparation of the answer.
3. For each and every Questions below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents
4. List the EPA Identification Numbers of the Respondent.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
6. State any and all additions, demolitions or changes of any kind to physical structures on, under or about the Site, or to the property itself during your ownership or operation (e.g., excavation work) and state the dates on which such changes occurred.
7. Identify all prior owners of the Site. For each prior owner, further identify:
 - a. The dates of their ownership.
 - b. The manner by which they acquired ownership.
 - c. All evidence that hazardous substances or hazardous wastes were released or threatened to be released at the Site during the period that they owned the Site.
8. Identify the prior operators and lessors of the Site. For each such operator or lessor, further identify:
 - a. The dates of their operations at or lease of the Site.
 - b. The nature of their operations of the Site.
 - c. All evidence that hazardous substances or hazardous wastes were released or threatened to be released at the Site during the period in which they were operating at the Site.
9. Identify all individuals whom you know or believe to have managed the Site, to include but not limited to their names, addresses, phone numbers, managerial capacity, managerial responsibilities.

10. Identify all documents that reflect or form the basis of your knowledge or belief that the individuals identified in number 9 were employed on a managerial level at the Site.

11. Provide all existing technical or analytical information about the Site, including but not limited to data and documents related to soil, water (ground and surface), geology, geohydrology, or air quality on and about the Site.

12. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, geohydrology, or air quality on and about the Site. Identify:

a. The nature and scope of what these investigation will be.

b. The contractors or other persons that will undertake these investigations.

c. The purpose of the investigations.

d. The dates when such investigations will take place and be completed.

e. Where on the Site such investigations will take place.

13. Describe all actual knowledge that you had or inquiries you undertook at the time of acquiring the Site concerning:

a. the release or threatened release of any hazardous substances on, in, or at the Site; and

b. the previous ownership and uses of the property.

14. Describe how you acquired the Site (e.g., purchase, inheritance, bequest, etc.) and/or the Site building.

15. If you acquired ownership of either the site or the site building through the trust instrument by purchasing, creating, inheriting or any other method, identify its type, beneficiary(ies), res, trustee(s), and any other relevant information.

16. Identify all documents that reflect or memorialize the trust instrument and/or agreement identified in number 15.

17. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive document, identify such persons and the additional information or documents that they may have.

18. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

19. Identify the last known address (both residential and business) and telephone numbers, (both residential and business), and any other information pertaining to the Site and/or Site building for the following individuals or business entities:

- a. Maynard D. Bartram
- b. Dr. Burton C. Hollowell
- c. Frank Chapman
- d. Worth Loomis
- e. Harvey G. Moger
- f. Robert B. Rivel
- g. Dr. Howard H. Steveson
- h. King Upton
- i. Winthrop B. Walker
- j. Lloyd Dixon
- k. Bob Schulta
- l. Jack W. Smith

20. Identify and discuss in detail your current and former relationship(s) with the above referenced individuals or business entities listed in Question 19.

21. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons.

22. Identify all persons, including Respondent's employees or former employees, who may have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at the Site.

23. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances at the Site, including, but not limited to septage, commercial grease, chromium, lead, PAHs, PCBs, and industrial oil. If the answer to the preceding question is anything but an unqualified "no," identify:

- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance.
- b. The persons who supplied you with each such hazardous substance that you disposed or otherwise handled.
- c. How you used, purchased, generated, stored, treated, transported, disposed or otherwise handled such hazardous substances.
- d. Where you used, purchased, generated, stored, treated, transported, disposed or otherwise handled such hazardous substances.
- e. When you used, purchased, generated, stored, treated, transported, disposed or otherwise handled such hazardous substances.
- f. The quantity of such hazardous substances that you used, purchased, generated, stored, treated, transported, disposed or otherwise handled.

24. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances, including but not limited to septage, commercial grease, chromium, lead, PAHs, PCBs, and industrial oil, that have occurred at the Site. In addition, identify:

- a. When such releases occurred.
- b. How the releases occurred.
- c. What hazardous substances were released.
- d. What amount of each hazardous substance was so released.
- e. Where such releases occurred.
- f. Any and all activities undertaken in response to each such release or to threatened releases of hazardous substances at the Site.
- g. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing that was undertaken.
- h. All persons with information relating to these releases.

25. If a release of any kind of hazardous substances identified in Question 24 above, occurred into any subsurface disposal system or floor drain inside or under any buildings located on the Site, further identify:

- a. Where precisely the disposal system or floor drains are and were located.
- b. When the disposal system or floor drains were installed.
- c. Whether the disposal system or floor drains were connected to pipes.
- d. Where such pipes were installed.
- e. When such pipes were installed.
- f. How and when such pipes were replaced, repaired, or otherwise changed.

26. Identify all documents reflecting any communications with the owners, operators, or managers of the Site from 1960 through and including 1975, including but not limited to documents that memorialize any oral communications.

27. Have you or any other person ever accepted hazardous substances for transportation to the Site from any person. If the answer to this question is anything but an unequivocal no, identify:

- a. The persons from whom you or such other persons accepted hazardous substances for transport.
- b. Every date on which hazardous substances were so accepted or transported.